

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

CASE NO. <u>CA05-11803</u>		
Shenia Dancy-Stewart PLAINTIFF		City of Boston et al <u>DEFENDANT</u>
William Keefe		Helen Listas
COUNSEL FOR PLAINT	<u>IFF</u>	COUNSEL FOR DEFENDANT
JUDGE Wolf	CLERK O'Leary	REPORTER Romanow
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CLERK'S NOTES

DATES:	Motion Hearing	
5/12/08	Also in attendance is Attorney James Dilday on behalf of the witness Carlos Fernandez, who is also	
	in the courtroom. Court goes over the procedural history of the case. Court informs the witness that he is	
	facing potential criminal contempt charges. If convicted the court will not impose a sentence of more than 6	
	months, therefore Fernandez is not entitled to a jury trial. Court puts the criminal contempt charges aside	
	and focuses on the civil contempt charge. Attorney Dilday informs the court that Fernandez does not have a	
	Fifth Amendment Right and is now prepared to go forward with the deposition. Court proposes that the	
	deposition be taken tomorrow that way any problems can be dealt with at the hearing scheduled for Wednesday,	
	May 14, 2008. Attorney Dilday requests the release of the witness. Carlos Fernandez takes the stand and	
	is sworn. Defendant's counsel does not question the witness and does not oppose the release of the witness.	
	Court questions the witness. Court to issue a written order releasing the witnesses from the warrant issued	
	by the court. Court orders the witness to appear for a deposition on May 13, 2008 at 11:00 at City Hall room	
	615. Court orders the witness to be in court on May 14, 2008 at 3:00 PM. Court orders the attorneys to	
	report after the deposition but no later than 4:30 pm (a) whether Fernandez appeared for the deposition and	
	whether there were any 5 th Amendment issues.	